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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/667,637 | 09/22/2000 | G. Victor Guyan | 07752.0019 | 8161 |
| 28164 | 7590 | 10/11/2005 | | |
| ACCENTURE CHICAGO 28164 BRINKS HOFER GILSON & LIONE P O BOX 10395 CHICAGO, IL 60610 | | | EXAMINER FRENEL, VANEL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3626 | |

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/667,637 | Applicant(s) GUYAN ET AL. | |
| | Examiner Vanel Frenel | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Appeal Brief filed on 07/07/05. Claims 1-33 are presented for examination. Claims 1-33 are pending.

2. In view of the Appeal Brief filed on 07/07/05, PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193 (b)(2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field (6,073,104) in view of Little et al. (5,359,509).

(A) As per claim 1, Field discloses a method for capture, evaluation and fulfillment of line item level data, the method comprising steps performed by a data processing system (See Field, Col.8, lines 34-67), of:

capturing at least one line item data in an insurance host server (See Field, Col.7, lines 31-67);

evaluating the line item data during the processing of an insurance claim (See Field, Col.8, lines 3-58);

Field does not explicitly disclose that the method having enabling the selection of a payment type; and fulfilling the payment of a line item on the evaluation of the line item data.

However, these features are known in the art, as evidenced by Little. In particular, Little suggests that the method having enabling the selection of a payment type (See Little, Col.6, lines 28-58; Col.12, lines 1-54); and fulfilling the payment of a line item on the evaluation of the line item data (See Little, Col.14, lines 27-68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Little within the system of Field with the motivation of providing the creation of a method and apparatus which would increase medical analyst productivity, provide consistent payment of payment requests and lower the costs of healthcare (See Little, Col.4, lines 15-20).

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(B) As per claim 2, Field discloses the method wherein the step of capturing comprises the steps of: receiving claim identification information from a claimant, said claim identification information comprising, at least, one line level (See Field, Col.8, lines 35-67; Col.11, lines 22-41), providing a client with an item tree of line item level data based on the line level and aggregating line item level data collected from the claimant (See Field, Col.8, lines 35-67; Col.11, lines 22-41); storing the line item level data in the insurance host server (See Field, Col.7, lines 31-67).

(C) As per claim 3, Field discloses the method wherein the step of evaluating the line item data comprises the steps of: displaying at least one line item from the insurance host server (See Field, Col.6, lines 32-50), receiving a selection of at least one line item from a claim handler (See Field, Col.8, lines 35-67; Col.11, lines 22-41), and receiving authorization from the claim handler to execute payment of the selected line item, wherein said authorization is for a payment in a form comprising a direct payment, vendor transfer, line item payment, or preauthorized payment (See Field, Col.2, lines 27-38).

(D) As per claim 4, Field discloses the method wherein the step of fulfilling comprises the steps of: maintaining a vendor database on the insurance host server (See Field, Col.6, lines 32-50), placing at least one order for at least one line item from the insurance host server to a vendor (See Field, Col.6, lines 32-50), and tracking the order on the insurance host server (See Field, Col.6, lines 32-50).

(E) As per claim 5, Field discloses the method wherein the step of maintaining a vendor database further comprises the step of entering vendor information in the vendor database (See Field, Col.7, lines 9-30).

(F) As per claim 6, Field discloses the method wherein the step of maintaining a vendor database further comprises the step of editing vendor information in the vendor database (See Field, Col.7, lines 30-67).

(G) As per claim 7, Field discloses the method wherein the step of maintaining a vendor database further comprises the step of upgrading a vendor to a preferred vendor in the vendor database (See Field, Col.7, lines 9-30).

(H) As per claim 8, Field discloses the method wherein the step of placing at least one order further comprises the step of faxing an order to a vendor (See Field, Col.7, lines 9-30).

(I) As per claims 9 and 10, Field and Little do not disclose the method further comprises the step of emailing an order to a vendor and placing an order on a web server for vendor access.

However, Field clearly teaches an internal fax/modem which can embody his system (See Field, Col.7, lines 9-36).

It is well known in the art that emailing is required a fax/modem to transmit and receive data over the Internet and /or the World Wide Web, and the Examiner takes Official Notice of emailing for such purposes.

One of ordinary skill in the art at the time of the invention would have found it obvious to incorporate an email with the system taught collectively by Field and Little with the motivation of including means for recording a pool advance amount in the electronic periodic pool representing an amount to be advanced against a value of the pool of invoices (See Field, Col.3, lines 8-11).

(J) As per claim 11, Little discloses the method wherein the step of placing at least one order further comprises the step of placing an order with a vendor by electronic data interchange (See Little, Col.6, lines 44-56).

The motivation for combining the respective teachings of Field and Little are as discussed above in the rejection of claim 1, and incorporated herein.

(K) As per claim 12, Field discloses a system for capturing line item data (See Field, Col.8, lines 34-67) comprising:

a processor for executing programs (See Field, Col.7, lines 9-67),

a memory for storing a program executable by the processor, the stored program including instructions for (i) capturing at least one line item data in an insurance host server (See Field, Col.7, lines 31-67);

evaluating the line item data during the insurance claim (See Field, Col.8, lines 3-58).

Field does not explicitly disclose that the system having fulfilling the payment of a line item based on the evaluation of the line item data; and a user interface for enabling the selection of a payment type associated with said at least one line item.

However, these features are known in the art, as evidenced by Little. In particular, Little suggests that the system having fulfilling the payment of a line item based on the evaluation of the line item data (See Little, Col.6, lines 28-58; Col.12, lines 1-54); and a user interface for enabling the selection of a payment type associated with said at least one line item (See Little, Col.14, lines 27-68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Little within the system of Field with the motivation of providing the creation of a method and apparatus which would increase medical analyst productivity, provide consistent payment of payment requests and lower the costs of healthcare (See Little, Col.4, lines 15-20).

(L) Claim 23 differs from claims 1 and 12 by reciting a computer readable medium containing instructions for controlling a computer system to perform a method for capturing, evaluating, and fulfilling line item data, the method comprising:

As per this limitation Field discloses capturing at least one line item data in an insurance host server (See Field, Col.7, lines 31-67) and evaluating the line item data during the processing of an insurance claim (See Field, Col.8, lines 3-58) and Little

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enabling the selection of a payment type (See Little, Col.6, lines 28-58; Col.12, lines 1-54); and fulfilling the payment of a line item based on the evaluation of the line item data (See Little, Col.14, lines 27-68).

Thus, it is readily apparent that these prior art systems utilize a computer readable medium containing instructions for controlling to perform their specific function.

The remainder of claim 23 is rejected for the same reason given above for claims 1 and 12, and incorporated herein.

(M) Claims 13-22 and 24-33 recite the underlying process steps of the elements of claims 2-11, respectively. As the various elements of claims 2-11 and have been shown to be either disclosed by or obvious in view of the collective teachings of Field and Little, it is apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 13-22 and 24-33 are rejected for the same reasons given above for method claims 13-22 and 24-33, and incorporated herein.

Response to Arguments

5. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground (s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to

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applicant's disclosure. The cited but not applied art teaches computerized system and method for work management.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone numbers for the organization where this application or proceeding is assigned are 703- 305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F
V.F

September 14, 2005


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
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